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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/039,901

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Thomas Marincic

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07/27/2004

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EXAMINER

EVANISKO, LESLIE J

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/039,901

Applicant(s)

MARINCIC ET AL.

Examiner

Leslie J. Evanisko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 and 41-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 39 and 41-51 is/are allowed.
- 6) ☒ Claim(s) 1,2,5,10,11,18-23,25-35,37 and 38 is/are rejected.
- 7) ☒ Claim(s) 3,4,6-9,12-17,24 and 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: _____.

DETAILED ACTION

1. Prosecution on the merits of this application is reopened on claims 1-39 and 41-51 and some of the claims are considered unpatentable for the reasons indicated below:

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claims 1-2, 10, 18-23, 25, 28, 31-32, 34-35, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada et al. (US 4,311,304) in view of GB 375,260. Hamada et al. teach an apparatus comprising a stack of unexposed printing plates and a conveying system as recited with the exception of teaching a vacuum system and peeling system for peeling the top printing plate from the stack of printing plates as recited. Note that although the vacuum and conveying structure of Hamada et al. is very similar to the claimed structure, Hamada et al. differs from the claimed invention in that the vacuum system picks up the entire plate, which is then placed on the plate feed beams extending between the two belts. Therefore, Hamada et al. do not teach a vacuum system for picking up an edge of the plate or a peeling system for peeling the top printing plate from the stack of printing plates as recited. GB '260 teaches an apparatus including a stack **1** of printed/stamped metal sheets, a vacuum system **11** for picking up an edge of a top sheet **12** from the stack, and a peeling system **3, 9** including a pair of rotatable belts **3**, the stack of sheets being located between the belts (see Figure 3), a plurality of plate feed beams **9** attached to and extending between the pair of rotatable belts, and a drive system for rotating the pair of belts to displace the plate feed beams between the top sheet and an underlying sheet to thereby peel the top sheet from the stack of sheets. See Figures 1-3 and page 1, line 83 through page 2, line 10 of GB '260 in particular. In view of this teaching, it would have been obvious to one of ordinary skill in the art to use the vacuum and peeling

systems as taught by GB '260 in the apparatus of Hamada et al. to provide a better conveying system which allows an unexposed printing plate to be picked up without damaging the sensitive upper surface of the plate.

With respect to claim 2, note the plate feed beams **9** of GB '260 can broadly be considered to include at least one roller.

With respect to claim 10, note the plate feed beams **9** of GB '260 are displaced between a "home" position wherein none of the plate feed beams contact the top sheet and a "plate loaded" position wherein the top sheet is completely removed from the pile of sheets by the plate feed beams, as shown in Figures 1-2 in particular.

With respect to claim 18, note lines 6-8 of page 2 of GB '260.

With respect to claims 19-22, note the presensitized printing plates of Hamada et al. include a substrate and a photosensitive imageable layer formed thereon, as set forth in column 1, lines 12-14 and 28-33.

With respect to claim 23, note the belts **3** of GB '260 are endless belts, as shown in Figures 1-3.

With respect to claim 25, note Hamada et al. teach a printing section (i.e., imaging section) comprising a media support surface **41**, a mounting system (positioning members **43** and suction members) for mounting the printing plate on the media support surface, and a scanning system **42** for imaging data onto the plate, as described in column 3, lines 64 through column 4, line 2 and shown in Figures 1-2.

With respect to claim 28, note Hamada et al. in view of GB '260 render obvious the method as recited. See the above comments with respect to claim 1.

With respect to claim 31, note the plate feed beams **9** of GB '260 are maintained perpendicular to a tangent line of the rotatable belts **3**, as shown in Figures 1-3 in particular.

With respect to claim 32, note the above comments with respect to claim 10.

With respect to claims 34-35, note the above comments with respect to claims 18-22.

With respect to claim 37, note the above comments with respect to claim 25.

5. Claims 5, 11, 29-30, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada et al. (US '304) in view of GB '260 as applied to the claims above, and further in view of Iizuka (US 4,815,723). Hamada et al. in view of GB '260 teach an apparatus and method as recited with the possible exception of each end of the plate feed beam including an intermediate connector which are attached to corresponding couplers on the surface of the belts. Note that although both GB '260 and Hamada et al. are silent with respect to the details of how the plate feed beams are connected to the belts and whether the rollers freely rotate, the use of intermediate connectors and

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couplers for attaching beams to belts and allowing the beams to be freely rotatable is well known in the art as exemplified by Iizuka in Figure 11 and column 7, lines 25-26 in particular. In view of this teaching, it would have been obvious to one of ordinary skill in the art to provide intermediate connectors and couplers as taught by Iizuka in the apparatus of Hamada et al. as modified by GB '260 to allow for the rollers to freely rotate to provide less friction during the plate feeding operation and to allow for easier removal and replacement of individual damaged plate feed beams.

With respect to claims 11 and 33, note that although Hamada et al. and GB '260 are silent with respect to whether there is any detection of the position of the plate feed beams, note that Iizuka teaches a plate conveying arrangement comprising a pair of belts and plate feed beams attached to and extending between the pair of belts and including a sensor system 1086, 1088 for sensing the position of the plate feed beams, as shown in Figures 6-7 and described in column 8, lines 38-41 and column 11, lines 38-44. In view of this teaching, it would have been obvious to one of ordinary skill in the art to provide a sensor system as taught by Iizuka in the device (or method) of Hamada et al. as modified by GB '260 to allow for more accurate control of the plate peeling and conveying operation.

6. Claims 26-27 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada et al. (US '304) in view of GB '260 as applied to the

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claims above, and further in view of Kawada et al. (US 6,164,204). Hamada et al. teach an apparatus and method as recited, with the exception of the media support surface for supporting the plate during imaging being a rotatable external drum. However, the use of a rotatable external drum **1** for supporting a printing plate **100** during imaging of the plate with a recording head **8** is well known in the art, as exemplified by Kawada et al. in Figure 2. In view of this teaching, it would have been obvious to one of ordinary skill in the art to use a rotatable drum arrangement as taught by Kawada et al. in the apparatus of Hamada as modified by GB '260 as it would simply require the obvious substitution of one known imaging arrangement for another to provide better imaging of plates of various sizes.

With respect to claims 27 and 38, note the device of Kawada et al. includes a driving device for rotating the drum during imaging, as set forth, for example, in column 1, lines 23-37 and claim 1.

Allowable Subject Matter

7. Claims 39 and 41-51 are allowed.
8. Claims 3-4, 6-9, 12-17, 24, and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: With respect to claims 3-4, 6-9, 12-17, and 41-51, note the previous comments in the Office Action dated March 20, 2003 and applicant's remarks on page 21 of the amendment dated April 29, 2003.

With respect to claims 24, 36, and 39, note the prior art of record fails to teach or fairly suggest an apparatus or method having all of the structure or method steps recited, in combination with and particularly including, the stack of plates and the peeling system being located within a cassette.


Conclusion

10. Applicant is advised that the Notice of Allowance mailed May 15, 2003 is vacated. If the issue fee has already been paid, applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a specified Deposit Account.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(571) 272-2161**. The examiner can normally be reached on M-Th 7:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Leslie J. Evanisko
Primary Examiner
Art Unit 2854

lje
July 1, 2004